

06-0682kpeStonehamDWOP.wpd

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

FRANK STONEHAM,	§	
FBC SPN 00121067,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-06-0682
	§	
DOCTOR BLACK, <i>et al.</i> ,	§	
Defendants.	§	

**ORDER OF DISMISSAL**

Plaintiff Frank Stoneham, a state inmate incarcerated in the Fort Bend County Jail, filed this complaint under 42 U.S.C. § 1983 alleging violations of his civil rights. On April 12, 2006, the Court ordered plaintiff to submit a more definite statement in this case by May 12, 2006. On May 11, 2006, plaintiff mailed the Court a letter requesting additional time. The Court received the letter the next day, May 12, 2006, and granted plaintiff an extension until June 12, 2006. On June 9, 2006, plaintiff mailed the Court a letter complaining that Fort Bend County Jail was deliberately “holding up his mail” and that he doubted the Court would receive his compliance timely. The Court received that letter on June 12, 2006. To-date, plaintiff has neither submitted the more definite statement nor filed a motion for additional time to comply.

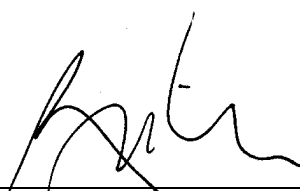
Plaintiff’s failure to pursue this action forces the Court to conclude that he lacks due diligence. Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See*

FED. R. CIV. P. 41(b); *Larson v. Scott*, 157 F.3d 1030 (5th Cir. 1998) (noting that a district court may *sua sponte* dismiss an action for failure to prosecute or to comply with any court order).

Accordingly, it is **ORDERED** that this action be **DISMISSED** without prejudice for want of prosecution. Any pending motions are **DENIED** as moot.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas, on July 5, 2006.

A handwritten signature in black ink, appearing to read 'G. Miller', is written over a horizontal line.

Gray H. Miller  
United States District Judge